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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,856	03/15/2001	Takashi Muto	P/2041-57	5564

2352 7590 02/26/2004

OSTROLENK FABER GERB & SOFFEN
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NEW YORK, NY 100368403

EXAMINER

CORSARO, NICK

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,856

Applicant(s)

MUTO, TAKASHI

Examiner

Nick Corsaro

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract is too long. Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "PORTABLE TELEPHONE WITH BATTERY ALARM FUNCTION INDICATING LOWEST LEVEL FOR COMMUNICATION".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichelt et al. (6,427,072) in view of Flynn et al. (5,870,685).

Consider claim 1, Reichelt discloses a portable telephone apparatus with a battery alarm function (see abstract lines 1-8, and col. 3 lines 50-67). Reichelt discloses a rechargeable battery apparatus; and battery supervision means for supervising and detecting a voltage of the battery apparatus and issuing a lowest operation voltage level alarm when the detected voltage drops to a lowest operation voltage level with which a talking function of said portable telephone apparatus can operate (see col. 4 lines 1-11, col. 3 lines 50-67, col. 4 lines 57-67, and col. 5 lines 1-17).

Reichelt does not specifically disclose issuing a supervision voltage level alarm when the voltage of said battery apparatus detected by said battery supervision means drops to a supervision voltage level different from the lowest operation voltage level. Flynn teaches issuing a supervision voltage level alarm when the voltage of said battery apparatus detected by said battery supervision means drops to a supervision voltage level different from the lowest operation voltage level (see col. 11 lines 5-21, col. 11 lines 64-67, col. 12 lines 1-67, col. 13 lines 1-67 and col. 14 lines 1-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Reichelt, and issue a supervision voltage level alarm when the voltage of said battery apparatus detected by said battery supervision means drops to a supervision voltage level different from the lowest operation voltage level, as taught by Flynn, thus avoiding premature shutdown of the phone, as discussed by Flynn (col. 7 lines 5-15).

Consider claims 2-7, Reichelt does not specifically disclose said battery supervision means can set the supervision voltage level to an arbitrary value. Flynn teaches said battery supervision means can set the supervision voltage level to an arbitrary value, where the values are for additional functions, and different in manner for different functions or different levels

Art Unit: 2684

(see col. 11 lines 5-21, col. 11 lines 64-67, col. 12 lines 1-67, col. 13 lines 1-67 and col. 14 lines 1-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Reichelt, and have said battery supervision means can set the supervision voltage level to an arbitrary value, as taught by Flynn, thus avoiding premature shutdown of the phone, as discussed by Flynn (col. 7 lines 5-15).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,141,570), O'Neill teaches battery alarm functions.

4. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this

Application/Control Number: 09/808,856

Page 5

Art Unit: 2684

application or proceeding should be directed to the Technology Center 2600 customer Service

Office whose telephone number is (703) 306-0377.

A handwritten signature in cursive script, appearing to read "Nick Corsaro".

Nick Corsaro

Primary Examiner